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OFFICE OF SECRETARY

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W. Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RE: CC Docket No. 92-166

Dear Mr. Caton:

On behalf of Loral/QUALCOMM Partnership, L.P. ("LQP"), we are writing to express the initial views of LQP on the "Joint Proposal and Settlement Agreement" recently filed in the above-referenced docket by Constellation Communications, Inc., Mobile Communications Holdings, Inc., Motorola Satellite Communications, Inc., and TRW Inc. (collectively, "the Joint Applicants").

Over two months ago, the Commission suggested that the five LEO MSS Above 1 GHz applicants should resolve among themselves the spectrum sharing issues raised in the Notice of Proposed Rulemaking in this docket. As the Commission is aware, LQP participated in the efforts to work out a settlement agreement with the other applicants. Even after discussions expanded into areas outside the scope of the spectrum sharing issues raised in the NPRM, LQP continued to work with the other MSS LEO applicants in an attempt to find an accommodation for each party's particular interests.

The other four applicants have now reached an agreement which LQP was unable to join. In fact, the Joint Proposal includes certain recommendations which, if adopted, would impair the operation of MSS systems as well as the United States' leadership role in the MSS industry.

LQP does agree with the Joint Applicants on the domestic band-sharing plan outlined in Item 1 of the Joint Proposal. Resolving this issue is a major step toward licensing the U.S. MSS systems because it avoids mutual exclusivity among the the LEO MSS applicants.

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LQP cannot, however, agree with the Joint Applicants' requirement for "global spectrum band segmentation sharing" or the treatment of the secondary downlink in the proposed emissions mask for the CDMA/TDMA segments. These matters are outside the scope of this proceeding, and are not necessary to address in order to resolve the issue of mutual exclusivity in this docket.

Item 1: Band Sharing Plan

LQP agrees with the Joint Applicants on the proposed band-sharing plan outlined in Item 1 of the Joint Proposal (except for the language subjecting the plan to "Sections 3, 5, 6 and 7" of the Joint Proposal). This domestic band-sharing plan provides a workable solution to the issues of intraservice sharing in the MSS uplink frequencies. LQP joins the Joint Applicants in recommending adoption of this band-sharing plan.

The five LEO applicants are now in accord on the Commission's proposal to share the 1610.0-1626.5 MHz band as proposed in the NPRM, i.e., 11.35 MHz for the CDMA systems and 5.15 MHz for the TDMA system, and also agree that sharing of the entire 16.5 MHz of the S-band downlink is necessary for the CDMA systems. Thus, LQP agrees with the Joint Applicants that adoption of the spectrum sharing plan in Item 1 of the Joint Proposal would avoid mutual exclusivity among the MSS LEO applicants.

This is an important breakthrough. It resolves the most critical issue in this proceeding, eliminates the need for the Commission to use other procedures to license MSS applicants, and expedites the deployment of MSS systems.

As noted above, there are two proposals of the Joint Applicants with which LQP strongly and firmly disagrees: the so-called "global spectrum band segmentation sharing requirement" and the proposed principles to govern an out-of-band emissions mask between the CDMA and TDMA segments in the L-band uplink.

Item 7: Global Band Segmentation

Adoption of proposed Item 7, a global band segmentation requirement, is not only outside the scope of this proceeding, but also would pose a serious threat to the leadership role of the United States in the international MSS community. Such a rule is likely to be interpreted as contravening international telecommunications procedures and by-passing the jurisdiction of foreign administrations over international MSS systems operating within their territories.

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By recommending adoption of a global band segmentation sharing rule, the Joint Applicants are asking the Commission to establish a worldwide spectrum plan to which every administration utilizing the U.S. applicants' systems around the world would be bound. This is not only bad public policy, it violates the Commission's own firm position that it will not try to dictate spectrum rules to other nations. As the Commission recognized in the NPRM, the applicability of any U.S. band sharing plan outside the United States "will necessarily depend upon authorizations granted by the countries concerned." NPRM, 9 FCC Rcd 1094, 1111 n. 63 (1994). As the Commission has also recognized, it is a basic tenet of international telecommunications policy that "all decisions relating to the implementation of 1.6/2.4 GHz mobile-satellite service within a country's territory will remain solely within that country's jurisdiction and control." Id. at 1140.

LQP agrees with the Commission on these international policies, and, therefore, must disagree with the Joint Applicants' call for a global spectrum segmentation sharing plan imposed by the United States. Resolution 46, adopted at the 1992 World Administrative Radio Conference, established a procedure for coordination of LEO MSS systems, and there is no reason to substitute a U.S. rule. As Motorola itself stated in its Reply Comments (at 41) in this proceeding regarding Resolution 46, "[a]ny effort to prejudge international coordination of U.S. systems outside this procedure would be duplicative, uninformed and futile."

Item 6: Emissions Mask

LQP also disagrees with the Joint Applicants on the principles proposed for development of an out-of-band emissions mask between the CDMA and TDMA L-band segments (Item 6). As the Commission is well aware, this issue was not raised in the NPRM. It is an issue which involves the technical design of mobile earth stations to be used with MSS systems, and should be addressed in a blanket licensing proceeding for such transceivers.

Moreover, contrary to the rules and policies of the International Telecommunication Union, the Joint Applicants suggest that all MSS systems should be obligated to attempt to protect secondary downlink transmissions in the 1613.8-1626.5 MHz band, which would, in effect, give primary status to the allocation for MSS downlinks in that band. There is no reason for the Commission to modify unilaterally an allocation which was adopted internationally at WARC-92. Indeed, this secondary allocation was just recently adopted in the United States, 9 FCC Rcd 536, 539-40 (1994), and could not be modified without a separate notice and comment procedure to modify the U.S. Table of Frequency Allocations.

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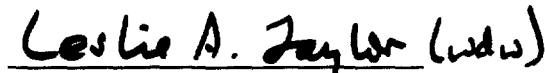
With respect to the other items in the Joint Proposal, LQP has provided the Commission with thorough legal and technical analyses of each issue in its Comments and Reply Comments filed in this docket on May 5 and June 20, respectively. LQP reaffirms its positions contained in those filings, and stands ready and willing to provide any further information which the Commission or its Staff may desire in light of the Joint Proposal.

While LQP cannot agree with the recommendations of the Joint Applicants on the global band segmentation and emissions mask issues, LQP confirms that it supports the domestic spectrum-sharing plan outlined in Item 1 of the Joint Proposal as do the other applicants. Accordingly, LQP respectfully recommends adoption of the rules proposed in Item 1 to implement this plan and thereby avoid mutual exclusivity among the five LEO MSS applicants.

Respectfully submitted,

LORAL/QUALCOMM PARTNERSHIP, L.P.


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